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MOUT and ROE: Writing Rules for Chaos

By

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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15. Abstract: MOUT is arguably the most complex and dangerous operating terrain. Due to the presence of man-made structures, an infrastructure, and concentration of civilians, urban terrain takes away a force's maneuverability, restricts the employment of firepower, fractures unit integrity, and hinders communications. As a result, heavy reliance must be placed on small unit leaders to exercise split-second judgment and professional discretion. ROE serve a critical role by providing clear guidance for use in such situations. ROE are extremely difficult to write for the urban environment. They must meet the appropriate balance between the legal, political, and military aspects of the operation. Although each operating environment is different, commanders can ensure the best for their forces and mission by not placing undue emphasis on collateral damage and by ensuring that the ROE are simple, unclassified, realistic, and flexible.			
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INTRODUCTION

ROE are intended to assist the individual faced with a potential threat in deciding whether or not an armed response is necessary; no amount of rules can substitute for the judgment of that individual, and ROE are not intended to do so.

W. Hays Parks¹

Concise, simple, and well-written rules of engagement are a critical aspect of any operational plan.² Without ROE, decisions on the use of force would be based solely on assumptions or generalized training principles that might not be appropriate under the circumstances. But in today's international political environment, operational commanders are in a difficult position when it comes to writing ROE. On the one hand, a plethora of world-wide human rights watch dog groups stand ready to report alleged violations of international law by the United States. On the other hand, the American public's purported "casualty aversion" calls for strong force protection measures. Trying to plan for an operation in this environment is difficult enough – articulating clear, acceptable engagement criteria seems nearly impossible.

To further complicate this exceedingly difficult task is the fact that the U.S. military is spending more time operating in the civilian-dense, highly dangerous urban environment. Global urbanization, the instability of the post Cold War world, the political value of urban areas, and the people-oriented nature of our humanitarian missions, are drawing U.S. forces into built-up areas of foreign lands.³ Unfortunately, unlike any other operational environment, urbanized terrain offers not only tremendous danger for friendly forces, but also the greatest concentration of non-combatants and their property. This combination exacerbates the commander's dilemma and raises the stakes to the point where "U.S. foreign

policy may succeed or fail on the basis of how well rules of engagement are conceived, articulated, understood, and implemented.”⁴ The pressure is on to do this right.

The natural question, of course, is: How does a commander draft ROE for an operation in a hostile urban environment? Considering that minimizing collateral damage and incidental injury are viewed as essential elements of international legitimacy, does this mean that a commander must be willing to accept higher risks to friendly personnel? It is the purpose of this paper to answer these questions. To accomplish this, I will give a general description of what the Standing Rules of Engagement (SROE) and Law of Armed Conflict require, followed by a detailed analysis of the complexities involved in military operations on urbanized terrain (MOUT). Finally, I will give specific recommendations for operational commanders on how to develop ROE for MOUT situations and discuss the considerations involved.

RULES OF ENGAGEMENT AND THE LAW OF ARMED CONFLICT

‘ROE are a necessary evil. . . . However, they should not be so restricting that the forces you’ve committed to the combat job are hurt or suffer undue losses while trying to carry out tasks assigned them.’ The dilemma lies in finding the happy medium.

W. Hays Parks⁵

As mentioned above, ROE serve as a critical link between the Joint Force Commander (JFC) and the soldiers, sailors, airmen or Marines at the “tip of the spear.” Without ROE, lower level echelons, which will be making many of the critical engagement decisions in an urban environment, would be left to their own judgment, placing them in the uncomfortable and dangerous position of having to guess or assume what engagement criteria to apply. As one commentator put it: “ROE become the umbilical cord connecting the National Command Authorities (NCA) to the lowliest Private in harm’s way.”⁶

If properly conceived and understood, ROE ensure that mission execution stays within certain bounds. They also act as a force multiplier and protection device by focusing firepower only on valuable targets and helping to prevent "blue on blue" engagements. At the same time, ROE supplement the commander's intent by controlling the use of force so that the operation will retain political legitimacy, reduce civilian hostility, and facilitate post-hostility reconstruction.⁷ In other words, properly written ROE enhance force capabilities and mission accomplishment, they do not unnecessarily increase risks to U.S. personnel, and should not serve as a blocking mechanism to appropriate uses of force.

The Standing Rules of Engagement (CJCSI 3121.01A) attempt to meet these requirements by providing broad discretion to subordinate commanders to determine when force is necessary and giving those commanders the authority and responsibility to defend their units and personnel, regardless of the political situation. This inherent right of self-defense always exists, as readers are frequently reminded throughout the standing rules' text. But, as any planner is well aware, standing theater and operation specific mission accomplishment ROE must be considered and prepared as well. While these ROE are normally approved at the National Command Authority (NCA) level, they are initially drafted by the JFC staff, are the most specific, and potentially have the greatest operational impact.

In developing ROE the JFC has to weigh three basic factors: political, military, and legal.⁸ The legal factor is relatively stable: proportionality and necessity are the watchwords, with civilian casualties and damage to protected places (hospitals, historic/cultural buildings, dwellings, and other civilian objects) being critical pieces of the proportionality formula.⁹ As for the political and military factors, their importance and character change based on where

the operation falls along the peace - war continuum and whether the U.S. is acting in national self-defense, collective self-defense, or as part of a U.N. authorized operation. For example, the political acceptability of close air support in an urban operation is likely much greater in an international armed conflict than during a humanitarian mission.¹⁰

Thus, of the three factors affecting ROE, the law is relatively simple to apply because it gives broad latitude to commanders to make targeting decisions, as long as civilians and civilian objects are not *purposely* targeted and the use of force is guided by necessity and proportionality.¹¹ The political and military ROE factors however, are apt to present the greatest difficulty for commanders since they will likely impose more restrictions than are legally required.¹² This is especially true in the urban environment where the negative political impact of incidental injury and collateral damage, even if fully justified under the law, are often viewed with tremendous political trepidation.

MILITARY OPERATIONS ON URBANIZED TERRAIN: CHARACTERISTICS

Urban operations present unique and complex challenges . . . They can constrain technological advantages; they impact on battle tempo; they force units to fight in small, decentralized elements; they also create difficult moral dilemmas due to the proximity of large numbers of civilians. Commanders must enforce discipline in their operations to minimize unnecessary collateral damage and civilian casualties.

U.S. Army, FM 100-5¹³

As previously stated, the MOUT environment presents many difficult challenges for operational planners. While every type of terrain offers complexities, urban areas are arguably the most dangerous and difficult in which to conduct operations. As stated by the U.S. Army Chief of Infantry, "The MOUT fight has always been a manpower intensive and highly costly one, both in terms of casualties and in terms of the time and ammunition it demands."¹⁴

Technically, a plot of land is considered to be "urban" if the "population density equals or exceeds one thousand people per square mile and in which an average of at least one building stands per two acres of land."¹⁵ Practically, however, an urban area is any place where "man-made structures and a large noncombatant population are the dominant features, have important operational and tactical implications, and may have strategic significance."¹⁶ Thus, while each urban area has its own unique characteristics, all contain three common components: (1) manmade physical terrain; (2) infrastructure; and (3) a high population density.¹⁷ Since understanding this "urban triad" and how its elements interact with each other and U.S. operational factors is key to a commander's ability to construct realistic ROE, each component will be discussed in detail below.

Manmade Physical Terrain

The physical aspect of urban terrain is the most immediately apparent complicating factor for planners. Multi-storied buildings, spires, radio towers, light poles, etc., all represent potential targets as well as obstacles to overcome. In addition, structural characteristics generally provide an advantage to the defensive force since they offer places to hide (thereby producing multiple, unseen threat axes), channelize the attacker into narrow, predictable avenues of approach, and require the offensive force to break into small units to clear buildings. They also reduce the effectiveness of indirect fire weapons, decrease engagement ranges, diminish the utility of high technology systems, inhibit communications capabilities, and complicate logistical support.¹⁸ Thus, while the defender will enjoy greater maneuverability and knowledge of the terrain, the attacker will find his operational options restricted and force fragmented.

Inevitably, this highly decentralized execution in a complicated, multi-directional threat environment will place a tremendous strain on those personnel required to fight building to building. As stated in the U.S. Army FM-10: "In possibly no other form of combat are the pressures of battle more intense. Continuous close combat, high casualties, the fleeting nature of targets, and fires from a frequently unseen enemy produce severe psychological strain and physical fatigue, particularly among small-unit leaders and soldiers."¹⁹ As such, detailed, realistic training and strong tactical level leadership are absolute requirements for success.

Infrastructure

Urban areas also have some level of infrastructure that can be highly complex and fragile. Streets and bridges, electrical power and communications systems, sewage and water conduits, and other support elements, all tie together to create a critical network for the inhabitants, their businesses, and the government.

Predictably, during military operations where force is applied, damage will occur to some aspects of this supporting web. Whether by design or as collateral damage, the end result will be much the same: a section of the infrastructure will fail. In the urban environment, the consequences of such a failure are often not immediately apparent and frequently can be unintended.²⁰ For example, as we learned during Operation Desert Storm, destroying sections of the Baghdad electrical power grid not only affected the enemy's C2 capability, but also shut down sewage pumps, causing the city's waste removal system to fail. Although not a law of war violation (contrary to some extreme views),²¹ this specific targeting plan and its aftermath demonstrate that infrastructure damage in an urban area will have a ripple effect that may be more wide-ranging than expected.

Another complicating factor introduced by the infrastructure is ease of access for outside people and organizations. Air and sea ports serve as points of entry for media groups and a myriad of non-governmental organizations (NGOs). The presence of these organizations can have both positive and negative effects on the operation, depending on their relationship with the various interests involved. Considering the tremendous impact that news reports can have on international and domestic opinion, the media must be taken into account in the planning process.²² NGOs and PVOs (private volunteer organizations) can also facilitate or hamper military operations through their cooperation, provision of information, or refusal of assistance.²³

Local and national level government involvement will also pose a potential complication. Depending on the level of control that the government exerts over the population, and the cooperative nature of its officials, the authorities can prove to be a benefit or hinderance. Where some level of government service exists, the local police forces, firefighters, and other public service personnel can remove a tremendous burden from U.S. forces. As we found in Haiti, however, they can also be a source of great problems.²⁴

Population Density

Of the three urban terrain components, the presence of a relatively large concentration of non-combatant personnel arguably poses the greatest problem. The reason for this is three-fold: (1) the political unacceptability of excessive civilian casualties; (2) populace interactions with involved forces; and (3) differences in culture and language.

Unlike during the Second World War, when a city's inhabitants had the choice of fleeing or facing the onslaught of unrelenting firepower, today commanders will encounter far greater restrictions on the use of force. With the ease of media access and the availability

of global communications, any loss sustained by the populace will most likely find its way into the press around the world. As a result, commanders today find themselves besieged by political pressure over seemingly minor losses that have ballooned into international incidents. Due to such fears, every operational commander tasked with urban operations will be required to consider potential casualties that might be sustained by the population, and he may have to develop alternative plans (such as non-lethal weapons and fires) due solely to that concern.²⁵ As stated in Marine Corps Warfighting Publication (MCWP) 3-35.3, "While Marine forces must be prepared for more intensive urban combat, they must also train to apply only the level of force necessary to accomplish the mission. *Our tactics may have to rely more on innovation than firepower.*"²⁶

Coupled with the problem of force restrictions is the question of how well the U.S. military and people will interact. The local population may play a number of roles, often with various sectors of the city adopting a different attitude from the other. Therefore, U.S. forces will likely find a mixture of helpful, indifferent, and hostile people whose attitudes will change with time. To further complicate things, often the people's position will be unclear. Thus, when U.S. forces operate on urban terrain, they will find themselves in a hostile (or potentially hostile) four-dimensional environment,²⁷ surrounded by a concentration of people whose loyalty is questionable.

In addition to the above, our potential adversary, who likely will live and work among the population, will exploit the non-combatants to the greatest extent possible.

Understanding the political straightjacket in which U.S. forces operate, the opponent will likely employ such tactics as intermingling combatants in innocent (or cooperative) crowds, or placing high value military equipment near a place that has special protection under

international law. These approaches, which U.N. forces encountered in Somalia and Desert Storm, respectively, make it nearly impossible to target enemy forces without inflicting collateral injuries and damage.

The final complicating factor is that of cultural and language differences, which can lead to misunderstandings, unintended insults, fear, and a number of other potential problems.²⁸ As stated in the “Handbook for Joint Urban Operations, “if you don’t understand the cultures you are involved in; who makes decisions in these societies; how their infrastructure is designed; the uniqueness in their values and in their taboos – you aren’t going to be successful.”²⁹

This combination of legal and political restrictions, heavy population concentration, and cultural/language barriers creates a difficult dilemma for the operational commander and the soldier or Marine on the ground. Each has to be concerned with the seemingly conflicting responsibilities of force protection and minimization of civilian casualties, while still attempting to accomplish the mission. Even without the other two components of the “urban triad” this is a difficult balance to make.

The Inter-relation of the Urban Triad

When the three components of the triad are considered in unison, the overall complexity of the urban environment is nearly overwhelming. Manmade structures, support systems, and population density combine to form an unpredictable, claustrophobic, politically sensitive, and restrictive terrain that mandates highly detailed central planning and decentralized mission execution. In other words, the urban operating environment poses high-level challenges that must rely on low-level solutions.

In practical terms, understanding the urban triad means understanding the critical importance of properly prepared rules of engagement. It is highly likely that an isolated fire team leader will be the person who suddenly encounters a threat and will be required to make the immediate decision whether or not to engage. Hesitation or misunderstanding of what is proper (that is whether or not to shoot and what weapon to use) may very well result in unwanted casualties among friendly, non-combatant, or opposing force personnel. Such an error can have dire consequences for the mission, and possibly for the soldier or Marine on the ground who was faced with such a difficult choice.³⁰ Clearly, it is the purpose of detailed training to lay the groundwork, and the role of ROE to fill in the critical details.

GUIDANCE FOR THE OPERATIONAL COMMANDER

The principle objective of any attack is target destruction with force survival. The admonition against civilian casualties tends to place undue emphasis on one aspect of strike planning with a concomitant de-emphasis on mission accomplishment and force survival. It neglects the common sense fact that minimization of collateral civilian casualties is a shared responsibility of attacker, defender, and the individual civilian, but . . . the attacker has the least control over it.

W. Hays Parks³¹

The above quote may seem politically naïve and callous, but it contains truisms that every force commander, operations planner, and staff judge advocate should keep in mind. For mission accomplishment, force protection, and collateral damage avoidance are indirectly proportionate factors – where one increases in importance, one or both of the others must suffer.

While it is unquestionable that international legitimacy is a critical aspect of national security, many political analysts place too much emphasis on non-combatant losses, and ignore the realities of military operations. Their argument that even legally justifiable

collateral damage will greatly undermine U.S. international status is unrealistic, places too much responsibility on our forces, and potentially puts our people at risk. Even more critical, this attitude places U.S. operational commanders in the position of either having to choose between mission accomplishment or unnecessary risks to U.S. personnel. Adopting this stance then, inevitably undermines foreign security more than any legal collateral damage could - for mission failure or unnecessary casualties would have a direct and disastrous effect on the one power base that we absolutely cannot afford to lose: the American People.

Although operational commanders do not control the political agendas and will likely have limited direct control over the mission - force - noncombatant hierarchy, the JFC is in the best position to ensure that the National Command Authority understands how force limitations will impact the operation.³² This feedback to the NCA is a critical aspect of operational success, and represents a duty that, at times, may require the JFC to "go to the mat." Thus, while a JFC must ensure that his plans and recommendations match the political objective assigned, he should not be overly cautious or give non-combatant casualties undue priority (that is, in excess of legal requirements and to the point of risking mission failure or unnecessary personnel losses).

As indicated above, we must remember that collateral damage avoidance is not solely a U.S. responsibility. Rather, while all combatants are obligated to use only the degree of force necessary to negate the threat and to not cause incidental injury and collateral damage excessive to the expected military advantage, *nothing in the law requires that military personnel or mission accomplishment be unnecessarily risked in the process.* Therefore, when U.S. forces are criticized for inflicting too much damage or too many casualties,

consideration must be given to those who had the greater ability to prevent the injuries from occurring – namely the opposing forces and the people themselves.

Considering the above, how does one draft ROE for the urban environment? As reflected in the previous pages, the political and military factors of MOUT are highly complex and change dramatically depending on where the operation falls along the peace-war continuum. However, as with all aspects of combat, there are certain general principles that can be applied regardless of the environment involved. For ROE there is one basic premise: they must be simple, unclassified, realistic, and flexible.³³

Simple

Even though the urban operating environment is complex, the attending ROE should not follow suit. As described above, the MOUT environment places tremendous pressure on those personnel involved. Thus, decisions will be based on split-second situational analysis developed through detailed training and reinforced by practical, easily understood guidance. Vague and artfully drawn criteria using detailed distinctions will be forgotten in the moments of chaotic, intense confrontations that U.S. personnel will encounter. Clear statements based on language with which all soldiers, sailors, airmen, and Marines can identify are much more likely to be followed. As stated in "Somalia Operations: Lessons Learned," "It should be clear that the Rules of Engagement must be written not only with the KISS principle (Keep It Simple, Stupid) in mind but also with an appreciation for how they might be applied in tense situations by warfighters rather than lawyers."³⁴

A natural corollary to simplicity is that ROE should be concise. There should be relatively few, powerful rules that address the critical operational points. Reminders and boilerplate verbiage like "remember we are not at war," or "treat all personnel with respect,"

do not belong with ROE. Nor do statements that are meant primarily for consumption by the news media. Save the reminders for training and the media statements for public affairs bulletins. Tactical level operators need and want only that guidance which is absolutely necessary to do their jobs – *professionalism and trust must make up for the rest.*

Unclassified

While strategic level ROE is often classified to protect high level policy and decision-making processes, operational specific ROE must be available to those in the field who are expected to follow them. As such, soldiers and Marines must be able to carry the ROE on their person (preferably in the form of a card) or it must be easily remembered through a pneumatic device. In addition, in military operations other than war (MOOTW), where U.S. forces are most likely to operate, it can be beneficial for potentially hostile forces to understand the limits under which we expect them to operate and for the civilian population to understand the activities they should avoid. In other words, ROE not only tell U.S. forces when deadly force is authorized and to what level, but they also let others know the “rules of the game.”³⁵ Finally, in combined operations, unclassified ROE facilitate the uniform application of force. Although there might be circumstances under which classified ROE are justifiable, they should be relatively few.

Realistic

As with simplicity, this principle ties together a number of related issues. First, ROE must be consistent with operational art. That is, if the ROE and operational requirements are incompatible, one or the other must change. Just as with the requirement that operational plans must be adequate, acceptable, and feasible, ROE must meet the same standards. They must be written to ensure mission accomplishment while maximizing force protection - those

that require minimizing civilian injuries and property damage beyond what is required by the law must be avoided. If the operational commander finds that the prescribed ROE preclude mission accomplishment or place friendly forces at unnecessary risk, then he has a duty to alert the NCA and seek revisions. Commanders have done this and been successful - failure to do otherwise is a dereliction.

Another aspect of this principle is that the ROE cannot ask personnel to make distinctions or conduct detailed analysis that will be impossible in the urban environment. For example, ROE that authorized deadly force against a person carrying a rifle but not someone carrying a shotgun, is asking too much.³⁶ Such distinctions are unnecessary and only invite delay, confusion, and friendly casualties. ROE should not be used as a mechanism for rectifying training deficiencies or addressing operational concerns that could be better handled by some other item in the commander's toolbox.³⁷

Flexible

As with any order prepared for use in combat, ROE must be flexible enough to change as the environment develops. This does not mean, however, that they should change frequently. If the ROE follow the guidance provided above, then they should be able to remain consistent throughout each phase of an operation. In other words, a force should be able to use the same ROE throughout a phase involving open hostilities, with a transition only to other ROE as hostility termination and then post-hostility phases are reached. Changing ROE too frequently poses the risk of causing confusion and over-complicating an already difficult situation.

The other aspect of flexibility is that ROE must allow the low level, tactical leaders sufficient discretion to carry out their assigned missions. This is critical in the MOUT

environment where communications with higher authority may not be possible. Again, as with the simplicity requirement, in an urban operation, operational commanders will have to rely more heavily on their junior personnel to use their professional training and discretion to "fill in the gaps." If that trust and reliance is not present, the MOUT environment should be avoided.

CONCLUSION

In Somalia, soldiers and Marines demonstrated a high degree of discipline and restraint throughout the operations. Even though the ROE would have permitted the use of deadly force, U.S. forces often held fire or relied on less violent means.

F. M. Lorenz, COL, USMC³⁸

The process of developing ROE is difficult under the best circumstances. For an operational commander, it might seem nearly impossible to properly weigh the diverse political, military, and legal considerations and then draft rules in such a way that they can be understood, remembered, and applied in the most chaotic and intense operating environment. However, as with all other aspects of operational planning, ROE can be written that meet mission and political requirements, without unnecessarily increasing the risks to friendly personnel. By using the "SURF" model (simplicity, unclassified, realistic, and flexible) outlined above, commanders can ensure that ROE are drafted to best support the mission while giving isolated units the flexibility to address the changing environment without undue risk to themselves and non-combatant personnel. And, although some would say that providing discretion is the antithesis of properly drafted ROE, as demonstrated by the above quote, we can and must trust our people to do the right thing. Considering the isolated, dynamic, and stressful nature of urban combat, doing otherwise only asks for mission failure.

NOTES

- 1 W. Hays Parks, "Righting the Rules of Engagement", U.S. Naval Institute Proceedings (May 1989), 93.
- 2 John Humphries, "Operations Law and the Rules of Engagement in Operations Desert Shield and Desert Storm," Airpower Journal (Fall 1992), 30.
- 3 The Joint Staff, Handbook for Joint Urban Operations (Washington, DC: 17 May 2000), I-8 - 10.
- 4 Ibid., III-30.
- 5 Parks, "Righting the Rules of Engagement," 87.
- 6 Stephen A. Rose, "Crafting Rules of Engagement for Haiti," International Law Studies: The Law of Military Operations, ed. M. N. Schmitt (Newport: Naval War College Press, 1998), 226.
- 7 Guy R. Phillips, "Rules of Engagement: A Primer," The Army Lawyer, pamphlet 27-50-248 (Department of the Army: Washington, DC: 1993), 7-8.
- 8 Joint Warfighting Center, Joint Task Force Commander's Handbook for Peace Operations (Fort Monroe, VA: 16 June 1997), I-14.
- 9 Obviously, the law of armed conflict and other international legal concerns are complex, and do change with the environment, but they are less dynamic than the political and military aspects of an operation. Consider, for example, the potential impact of the Ottawa Treaty (prohibiting parties from using anti-personnel landmines), on NATO operations. Christine M. Capece, "The Ottawa Treaty and its impact on U.S. Military Policy and Planning," 25 Brooklyn Journal of Int'l Law 183, at 200 (1999).
- 10 Although there is some debate about whether the Law of Armed Conflict (LOAC) applies to U.N. peace or other "non-international" operations, DoD policy is to apply the "principles and spirit" of LOAC even where the technical eligibility criteria have not been met. Chairman of the Joint Chiefs of Staff, Standing Rules of Engagement for US Forces, CJCSI 3121.01A (Washington, DC: 2000), A-2. See also, DoDDIR 5100.77.
- 11 Summarized, the principles of necessity and proportionality mean that "combat military commanders are required: a) to direct their operations against military objectives, and b) when directing their operations against military objectives, to ensure that the losses to the civilian population and the damage to civilian property are not disproportionate to the concrete and direct military advantage anticipated." "Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia," 1997. <http://www.un.org/icty/pressreal/nato061300.htm/> [06 June 2000].
- 12 Parks, "Righting the Rules of Engagement," 87.
- 13 Department of the Army, Operations, FM 100-5 (Washington, DC: 1993), 14-4.
- 14 Carl F. Ernst, "Commandant's Note: MOUT – Progress and Challenges," Infantry (July-December 1997), 1.
- 15 Handbook for Joint Urban Operations, I-4
- 16 Ibid.

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- ¹⁷ Joint Chiefs of Staff, Doctrine for Joint Urban Operations, Joint Pub 3-06 (Washington, DC: 30 October 2000, Second Draft), I-7.
- ¹⁸ Daryl G. Press, Urban Warfare: Options, Problems and the Future (Cambridge: Massachusetts Institute of Technology, Security Studies Program, 1999), 4-5
- ¹⁹ Department of the Army, Military Operations on Urbanized Terrain (MOUT), FM 90-10 (Washington, DC: 1979), I-11.
- ²⁰ Handbook for Joint Urban Operations, I-11.
- ²¹ Middle East Watch/Human Rights Watch, Needless Deaths in the Gulf War: Civilian Casualties During the Air Campaign and Violations of the Laws of War (1991), 402.
- ²² Handbook for Peace Operations, VIII-1.
- ²³ Handbook for Peace Operations, II-5 – II-7.
- ²⁴ Stephen A. Rose, “Crafting Rules of Engagement for Haiti,” 230-1.
- ²⁵ Handbook for Joint Urban Operations, I-11.
- ²⁶ Department of the Navy, Headquarters United States Marine Corps, Military Operations on Urbanized Terrain (MOUT), Marine Corps Warfighting Publication (MCWP) 3-35.3 (Washington, DC: 2000), 7-5 (emphasis in original).
- ²⁷ The four dimensions are: subsurface, surface, super-surface (rooftops and upper floors), and airspace. Joint Chiefs of Staff, Doctrine for Joint Urban Operations, Joint Pub 3-06 (Washington, DC: 30 October 2000, Second Draft), I-8.
- ²⁸ For example, the difficulty of targeting communications nodes where the culture relies on low or no tech systems. In Somalia, the opposition used drums to pass urgent messages, so damaging the electrical system had no impact.
- ²⁹ Handbook for Joint Urban Operations, III-9 (quoting George Wilson).
- ³⁰ Consider, for example, the decision by a Marine sniper on January 10, 1994 in Somalia to engage a crew served weapon. Although his decision was fully justified under the standing ROE, allegations that a pregnant Somali had been killed resulted in dramatically restricted ROE for snipers in the future. F.M. Lorenz, “Rules of Engagement for Somalia: Were they effective?,” 42 Naval Law Review 62 (1995).
- ³¹ Parks, “Righting the Rules of Engagement,” 89.
- ³² This is a lesson that seems apparent when one compares Desert Storm and Somalia. Hopefully, the Bush administration has been paying attention.
- ³³ These principles are based on the assumption that some level of violence is expected. Where an operation is expected to be non-violent (i.e. an NEO or peace-keeping operation), the ROE would be based entirely on the use of force in self-defense. While ROE for such operations can be complicated by issues like third party person and property protection, they will not be discussed due to space limitations.
- ³⁴ Kenneth Allard, Somalia Operations: Lessons Learned (Washington, DC: National Defense University, 1995), 38.

³⁵ Ibid.

³⁶ This was a distinction that was placed in the ROE for the attack on Haiti that was, thankfully, called off at the last moment. Stephen A. Rose, "Crafting Rules of Engagement for Haiti," in International Law Studies: The law of Military Operations, ed. M.W. Schmitt (Newport: Naval War Collect Press, 1998), 229.

³⁷ For example, a leaflet or loudspeaker operation designed to notify the inhabitants that openly carrying any weapon will likely result in their being shot. This "operational fire" would remove the burden on U.S. forces to discriminate between a shotgun or rifle, and place the responsibility on a population that was sufficiently warned of the dangers involved.

³⁸ F. M. Lorenz, "Rules of Engagement for Somalia: Were they Effective?," 75.

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